

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

MONSANTO COMPANY and
MONSANTO TECHNOLOGY LLC.

Plaintiffs,

vs.

E.I. DU PONT DE NEMOURS AND
COMPANY and
PIONEER HI-BRED INTERNATIONAL,
INC.,

Defendants.

Case No. 4:09-cv-00686-ERW

MOTION FOR LEAVE TO FILE EXHIBITS UNDER SEAL

Plaintiffs, Monsanto Company and Monsanto Technology LLC (collectively “Monsanto”), respectfully move the Court for an order allowing Monsanto to file complete, unredacted copies of Exhibits 3 and 4 to Monsanto’s Memorandum in Support of Monsanto’s First Motion to Compel, under seal. As grounds for this relief, Monsanto states:

1. This action is for patent infringement, breach of contract, unjust enrichment, and injunctive relief against Defendants E.I. du Pont de Nemours and Company (“DuPont”) and Pioneer Hi-Bred International, Inc. (“Pioneer”) involving United States Patent No. U.S. RE 39,247E (the “247 Patent”) and Monsanto’s grant of licenses to Monsanto’s patented and proprietary soybean technology and corn technology pursuant to two licenses between Monsanto and Pioneer entered into on April 1, 2002: (1) an Amended and Restated Roundup Ready Soybean License Agreement (Exhibit B to the Complaint) and (2) a Roundup Ready Corn License Agreement (Exhibit C to the Complaint) (hereafter referred to collectively as the

“License Agreements”). The specific terms of the License Agreements are subject to confidentiality provisions contained within the underlying licenses. See Exs. B & C to Complaint.

2. This Court has previously allowed the parties to file various un-redacted pleadings and confidential documents under seal. See e.g., Docket Text Orders entered May 20, 2009 and June 17, 2009. Further, the protective order entered herein provides for the filing of confidential information and documents under seal.

3. Exhibit 3 to Monsanto’s memorandum is the transcript of a telephone hearing held on September 17, 2010. Because this transcript has not been filed in the public record and thus Defendants have not been given a date to request redactions, Monsanto seeks to file the transcript marked as Exhibit 3 under seal. Exhibit 4 to Monsanto’s memorandum is Defendants’ responses to Monsanto’s interrogatories, which Defendants designated as “Restricted Confidential” under the protective order.

WHEREFORE, Monsanto respectfully requests the Court enter an order allowing Monsanto to file complete, un-redacted copies Exhibits 3 and 4 to Monsanto’s Memorandum in Support of Monsanto’s First Motion to Compel, under seal.

Dated: October 15, 2010

Respectfully submitted,

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that on the 15th day of October, 2010, the foregoing was filed electronically with the Clerk of the Court for the United States District Court for the Eastern District of Missouri, Eastern Division, and was served by operation of that Court's electronic filing system, upon the following:

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